

**REMARKS/ARGUMENTS**

This Amendment is in response to the Office Action dated June 8, 2005. Claims 1, 3, 5-11, 13-17, 19, 21-27, 29-33, and 35-36 are pending. Claims 1, 3, 5-11, 13-17, 19, 21-27, 29-33, and 35-36 are rejected. Claims 1, 3, 11, 15, 17, 27, and 33 have been amended. Claims 6, 13, 22, 29, 35, and 36 have been canceled. Accordingly, claims 1, 3, 5, 7-11, 14-17, 19, 21, 23-27, and 30-33 remain pending in the present application.

Claims 1, 3, 5-11, 13-17, 19, 21-27, 29-33, and 35-36 are rejected under 35 USC 103(a) as being unpatentable over Morisawa et al. (2002/0038328) and further in view of Ebrahim (5,878,264). Applicant respectfully disagrees as to the claims as amended.

In the method, program instructions, and system in accordance with the present invention, as recited in amended independent claims 1, 11, 17, 27, and 33, the boot process for the computer is performed such that a flag is set by the BIOS of the computer, where setting the flag indicates that the computer is being booted from a powered down state. The flag can then be checked by an (OS) of the computer, where the computer is placed in the suspend to memory state if the flag indicates that the computer is booted from the powered down state. If the flag does not indicate that the computer is booted from the powered down state, i.e., the computer is booted from the suspend to memory state, the then OS operates the computer in a wake state.

Ebrahim discloses a power-on reset flag, where the flag is checked to determine if the processor reset was caused by the system's power being turned on. If the power-on reset flag is set, the cold boot procedure is called to establish a new processor context. If the power-on reset flag is not set, the procedure determines the processor's prior sleep state. If the prior sleep state was one in which the processor's context was saved in memory, then the warm boot procedure is called to restore the processor context from memory and resume use of that context.

However, in contrast to the present invention, Ebrahim does not disclose placing the

computer in a suspend to memory state if the flag indicates that the computer is booted from the powered down state. Instead, in Ebrahim, the cold boot is performed, i.e., the computer is booted to a wake state.

Thus, Morisawa in view of Ebrahim does not teach or suggest performing a boot process for the computer, comprising setting a flag by a BIOS of the computer, wherein setting the flag indicates that the computer is being booted from a powered down state; and placing the computer in a suspend to memory state, wherein the placing comprises: checking the flag by an operating system (OS) of the computer, wherein the flag indicates whether or not the computer is being booted from the powered down state, and placing the computer in the suspend to memory state if the flag indicates that the computer is being booted from the powered down state, as recited in amended independent claims 1, 11, 17, 27, and 33.

Instead, Morisawa in view of Ebrahim discloses a power-on reset flag, where if the flag is set, then the computer is booted to a wake state using a cold boot, and where if the flag is not set, then the computer is booted to the wake state from a suspended state.

Therefore, for the above identified reasons, the present invention as recited in independent claims 1, 11, 17, 27, and 33 is neither taught nor suggested by Morisawa in view of Ebrahim. Applicant further submits that claims 3, 5, 7-10, 14-16, 19, 21, 23-26, and 30-32 are also allowable because they depend on the above allowable base claims.

In view of the foregoing, Applicant submits that claims 1, 3, 5, 7-11, 14-17, 19, 21, 23-27, and 30-33 are patentable over the cited references. Applicant, therefore, respectfully requests reconsideration and allowance of the claims as now presented.

The prior art made of record and not relied upon has been reviewed and does not appear to be any more relevant than the applied references.

Applicants' attorney believes this application in condition for allowance. Should any

unresolved issues remain, Examiner is invited to call Applicants' attorney at the telephone number indicated below.

Respectfully submitted,  
SAWYER LAW GROUP LLP

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*/Michele Liu/* Reg. No. 44,875  
Michele Liu  
Attorney for Applicant(s)  
(650) 493-4540